IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.30613 of 1998

Dated: 30-03-2007

Between:

Md. Doulathyar Khan, s/o Khamruddin Khan.

... Petitioner

and

1. The Mandal Revenue Officer,
   Chennor Mandal, Chennor,
   Adilabad District and 4 others.

... Respondents

ORDER:

Petitioner, pattadar and possessor of the lands in 1) S.Nos.284, 287/2, 289, 305, 307, 325/2, 326/2, 344, 347, 353, 356, 366/1, 367/2, 399/1, admeasuring Acs.35-58 and 2) S.Nos.217, 219, 257/2, 285/2, 286/2, 294, 295, 386/2 admeasuring Acs.22-39 situated at Bhamraopet, Chennor Mandal, Adilabad District, states that the Assistant Director, Survey and Land Records having conducted a

technical scrutiny issued two supplementary setwars in A2/426/95, dated 24-03-1998 and B2/1278/77, dated 11-09-1997 in respect of the above said survey numbers. He further states that the Assistant Director after completing all the formalities sent the same to first respondent – Mandal Revenue Officer, vide letter dated 11-09-1997, directing him to implement the supplementary setwars in the revenue records of Bhamraopet village in the ensuing Jamabandhi and report compliance. As first respondent is avoiding to implement the supplementary setwar orders issued by the Assistant Director, Survey and Land Records, petitioner filed the present writ petition seeking a *mandamus* to direct respondent Nos.1 and 2 to implement the supplementary setwars issued by fifth respondent in A2/426/95, dated 24-03-1998 and B2/1278/77, dated 11-09-1997.

2. A counter affidavit is filed wherein it is stated that the Assistant Director, Survey and Land Records has issued supplementary setwars and the respondents also agreed to implement the same by making necessary entries in the revenue records. But, however, on the information that the lands are in possession of third parties, the same cannot be implemented.

3. Heard learned counsel for the parties.

4. So long as the orders of the Assistant Director, Survey and Land Records to the effect that petitioner is entitled for mutation in the revenue records are in force, the revenue authority has no other option, but to implement the same. On that ground that it may lead to law and order problem or some parties are in possession of the lands in question, cannot be grounds to reject and bring the required changes in the revenue records. If there is any dispute about the title, it is only the Civil Court, which is competent to decide the said issue.

5. Accordingly, the writ petition is allowed directing the authorities particularly the first respondent – Mandal Revenue Officer to implement the supplementary setwars issued by the Assistant Director of Survey and Land Records within a period of eight weeks from the date of receipt of a copy of this order. No costs.

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JUSTICE GOPALAKRISHNA TAMADA

Dt.30-03-2007
GLV